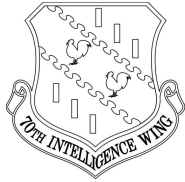


BY ORDER OF THE COMMANDER
70TH INTELLIGENCE WING

DOD 5400.7/AFSUP1

70TH INTELLIGENCE WING
Supplement 1



6 FEBRUARY 2004

DOD FREEDOM OF INFORMATION ACT PROGRAM

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

NOTE: This publication is available electronically.

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DOD 5400.7/AF SUP, 24 June 2002, is supplemented as follows. It applies to all 70th Intelligence Wing (70 IW) staff offices, support agreement tenants and subordinate units who are responsible for collecting, safeguarding, maintaining, using, accessing, amending, redacting and disseminating official records. Official records requested for release must comply with the Air Force Freedom of Information Act (FOIA) Program. This supplement does not apply to 70 IW-gained Air National Guard (ANG) or Air Force Reserve Command (AFRC) units.

C1.3.2. FOIA requests will be logged using the Air Combat Command (ACC) FOIA Module. The numbering scheme used for each request will be structured as follows: Organizational symbol, the appropriate letter for each request (c-complex, s-simple, or e-expedited), last two digits of the year, and numeric sequence number, beginning with 01 and numbering consecutively. For example: 70 IW-S-03-01.

C1.4.4. The 70 IW has release/disclosure authority for records under its control. Disclosure authority for the 70 IW is the commander or vice commander. Both the 70 IW FOIA Manager and Judge Advocate will provide recommendations to the release authority prior to disclosure. The wing commander may delegate, in writing, disclosure authority to the group commanders.

C1.4.5. (AF) HQ AIA is the denial authority for partial or full denial of requested records.

C1.4.5.1. (Added) (AF) OPRs will coordinate with the OCR, and forward all denial recommendations to the 70 IW FOIA Manager and 70 IW/JA.

C1.4.5.3. (Added) (AF) System Managers-the official who is responsible for managing a system of records, including policies and procedures to operate and safeguard it. System managers will work with OPR to search for records that might be located in their system of records.

C1.5.3.6. (Added) (AF) Any FOIA request received directly by a 70 IW office, 70 IW agency or 70 IW subordinate unit other than the 70 IW FOIA Manager office will be either handcarried, sent via telefax or otherwise promptly transmitted to the 70 IW FOIA Manager.

C1.5.3.6.1. (Added) (AF) If the requested records derive from multiple sources, the OPR who maintains the record(s) or has the majority of the responsive records must obtain any needed OCR(s) review(s) and forward along with all responsive records to the unit's FOIA Manager.

C1.5.3.6.2. (Added) (AF) For classified records, the Original Classification Authority (OCA) or the successor to the OCA will perform a declassification review and remark all declassified or downgraded portions (paragraphs, pages) with the appropriate markings. The OCA should coordinate with the security office for appropriate guidance on declassification.

C1.5.3.6.3. (Added) (AF) OPRs will provide one single-sided, unmarked copy of all responsive requested records along with a recommendation on whether all or part of the record(s) should be released. OPRs will indicate redaction (denial) recommendations on an additional copy of the requested records. Portions recommended for denial will be HIGHLIGHTED or bracketed with a RED PENCIL. DO NOT DELETE THE PARAGRAPH NUMBERS OR THE CLASSIFIED MARKINGS. Additionally, all documents will be provided as a single-side prior to marking the portions recommended for denial/partial denial.

C1.5.3.7. (Added) (AF) 70 IW/SCM is appointed as the 70 IW FOIA office. Each subordinate group will appoint a FOIA Manager in writing. Send the rank, name, phone number, office symbol, and e-mail address to 70 IW/SCM 9800 Savage Road, Suite 6679, Fort George G. Meade, MD 20755-5260.

C1.5.3.7.1.1.1. (Added) (70 IW) The 70 IW FOIA Manager is responsible for logging all 70 IW staff agency FOIA requests in the latest ACC FOIA Module and tracking any activities with the request until it has been answered. Upon receipt of a FOIA request, the 70 IW FOIA Manager will log the request and notify 70 IW/CC or CV of the request.

C1.5.3.7.1.1.2. (Added) (70 IW) The Group FOIA Managers are responsible for logging all group FOIA requests in the latest ACC FOIA Module and tracking any activities with the request until it has been answered. Upon receipt, the Group FOIA Manager will log the request and notify 70 IW FOIA Manager and Group/CC of the request. 70 IW FOIA Manager will notify 70 IW/CC or CV of the request.

C1.5.3.7.1.1.3. (Added) (70 IW) FOIA Managers will ensure complete FOIA packages are routed through the mandatory coordination process. See Table 1 and 2 for a list of mandatory coordinators.

C1.5.3.7.1.1.3.1. (Added) (70 IW) The mandatory coordination process for release packages are:

(Added) (70 IW) Table 1. 70 IW Mandatory Coordinators for Releasable Packages.

Office Coordinating	Group Coordination	Wing Coordination	Approval Authority
Group FOIA Manager	X		
Group CC or CV	X		
Wing FOIA Manager		X	
70 IW/JA		X	
70 IW/CC or CV		X	X

C1.5.3.7.1.1.3.2. (Added) (70 IW) The mandatory coordination process for denials/classified packages are:

(Added) (70 IW) Table 2. 70 IW Mandatory Coordinators for Denial/Classified Packages.

Office Coordinating	Group Coordination	Wing Coordination	AIA Coordination	Denial Authority
Group FOIA Manager	X			
Group CC or CV	X			
Wing FOIA Manager		X		
70 IW/JA		X		
70 IW/CC or CV		X		
HQ AIA/DOQI			X	
HQ AIA/JA			X	
HQ AIA/CC				X

C1.5.3.7.1.1.4. (Added) (70 IW) The FOIA Manager will prepare the entire FOIA request package, using an AF Form 1768, **Staff Summary Sheet** (SSS), for coordination. The SSS package will consist of a recommendation letter to the commander from the FOIA Manager, a proposed release letter to requestor from the commander, a cross-reference document (if the requestor is making more than one request), requested record(s) from the OPR(s) to include recommendation letter(s) to the commander, 70 IW/JA's legal review and the request.

(Added) (70 IW) Table 3. Example of a Cross-Reference Document.

70 IW-S-03-01	Requestor X
List of Requested Records	Corresponding Tab on SSS
a. A copy of all E-mails in CC's office	Tab 1
b. A copy of SCM file plan	Tab 2
c. A copy of all	Tab 3

C1.5.3.7.1.1.4.1. (Added) (70 IW) Cross-reference document will be used to list the tabs on the SSS with the numbering scheme on the requestor's letter when more than one type of record is requested. For example: Requestor X requests the following records: A copy of all E-mails in

the CC's office regarding requestor X, a copy of SCM file plan, and a copy of all records on self located in PC-III.

C1.5.3.7.1.1.4.2. (Added) (70 IW) When recommending full or partial denial, all recommendation letters will reference, as rationale, any of the FOIA exemptions that apply.

C1.5.3.7.1.2. (Added) (AF) Ensure OPRs provide recommendation letters along with copies of the records and forward the complete package to the FOIA Manager for processing.

C1.5.3.7.1.3. (Added) (AF) If the responsive records are recommended for release, the FOIA Manager will draft a proposed release letter to the requestor from wing commander. Include the proposed letter in the SSS package for wing commander's signature.

C1.5.3.7.1.3.1. (Added) (70 IW) The Wing commander will sign all replies to requestors. The Wing commander may delegate this authority.

C1.5.3.7.1.4. (Added) (AF) 70 IW/SCM will implement FOIA request processing queues when a backlog of FOIA request exists. 70 IW/SCM will make determinations as to whether or not the nature of requests is simple or complex.

C1.5.3.7.1.8.1. (Added) (70 IW) The 70 IW FOIA Manager will ensure Group FOIA Managers receive necessary training.

C1.5.3.7.1.8.2. (Added) (70 IW) FOIA Managers will train FOIA monitors within 30 workdays of their appointment. Use some form of documentation to track training.

C1.5.3.7.1.10. (Added) (AF) FOIA Managers will conduct annual Staff Assistance Visits (SAVs) on the FOIA program in accordance with 70 IW 90-series guidance.

C1.5.3.7.1.15. (Added) (AF) FOIA managers will submit the annual FOIA report to 70 IW/SCM (FOIA) to arrive by the 5th workday in October. (See Chapter 7 of DOD 5400.7/AFSUP).

C1.5.3.7.1.1.8. (Added) (70 IW) Implement and disseminate FOIA information to the lowest level.

C1.5.3.8. (Added) (AF) On appeals for "no records" response, the OPR will conduct a second search and indicate that a "Thorough second search was conducted and no records were located." If the records were properly disposed of IAW AFMAN 37-139, the OPR will state so and provide the appropriate table and rule used to maintain stated record. Send proposed appeals responses to the 70 IW FOIA Manager.

C1.5.3.8.1. (Added) (70 IW) The 70 IW will allow the requestor 30 days to respond to requests for clarification. If a response is not received within that time, the 70 IW will notify the requester the case is considered closed.

C1.5.3.9. (Added) (70 IW) All two-letter offices or equivalents will appoint a FOIA Monitor in writing. Address letter to the appropriate FOIA Manager.

C1.5.3.9.1. (Added) (70 IW) FOIA Monitors will:

C1.5.3.9.2. (Added) (70 IW) Serve as the focal point in their functional area for general FOIA questions, correspondences, and/or request(s). May also serve as records custodians.

C1.5.3.9.3. (Added) (70 IW) Act as liaison between the FOIA Manager and their office.

C1.5.3.9.4. (Added) (70 IW) Assist OPRs in locating requested records and in recommending release or denial based on the nine FOIA exemptions.

C1.5.3.9.5. (Added) (70 IW) Ensure all FOIA requests are processed within the assigned suspense date.

C1.5.3.10. (Added) (70 IW) 70 IW/JA will:

C1.5.3.10.1. (Added) (70 IW) Review FOIA responses for legal sufficiency.

C1.5.3.10.2. (Added) (70 IW) Provide legal advice to OPRs, OCRs, FOIA Managers, FOIA Monitors, disclosure authorities, and/or Initial Denial Authorities.

C1.5.3.10.3. Provide written legal opinions when responsive records (or portions of responsive records) are recommended for denial.

C1.5.8.1. The 70 IW will allow the requestor 30 days to respond to requests for clarification. If a response is not received within that time, the 70 IW will notify the requestor the case is considered closed.

C7.1.1.1. (AF) Group FOIA Managers will send a consolidated FOIA report for the previous fiscal year on a DD Form 2564, **Annual Report Freedom of Information Act**, to 70 IW/SCM, attention 70 IW FOIA Manager by 5th workday in October. Negative replies are required.

C7.1.1.1.1. (Added) (70 IW) Each fiscal year the 70 IW FOIA Manager will consolidate both the 70 IW and Group FOIA Managers FOIA reports and forward to HQ AIA/DOQI.

C7.1.2. (Added) (70 IW) The ACC FOIA module will be loaded/used at the FOIA manager's office to enter all FOIA request and track the information to compile an annual report.

C8.1.3. (Added) (70 IW) FOIA Managers, Monitors and System Managers must ensure current DOD, HQ ACC, HQ AIA and 70 IW FOIA instructions, regulations, processing guides, supplements and checklists are readily available.

C8.1.6. (Added) (70 IW) Completed FOIA packages must be maintained IAW AFMAN 37-139.

C8.1.7. (Added) (70 IW) FOIA Managers and Monitors ensure proper use of all applicable instructions, supplements and policies when answering FOIA questions and requests.

(Added) (AF) (70 IW) AP12. APPENDIX 12

GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION

Abbreviations and Acronyms:

SM – System Manager

SSS - Staff Summary Sheet

Terms:

System Manager – The official who is responsible for managing a system of records, including policies and procedures to operate and safeguard it. Local system managers operate record systems or are responsible for part of a decentralized system.

(Added) (70 IW) Attachment 2
DENIAL/PARTIAL DENIAL SAMPLE LETTER FROM OPR TO GROUP CC

MEMORANDUM FOR GROUP/CC

FROM: Organizational/Office Symbol

SUBJECT: Recommendation for (Denial) (Partial Denial) of FOIA Case #_____

1. The attached Freedom of Information Act request from (name of individual and company, if applicable) for a copy of (list records) is referred for your action. Requested records are attached. The following recommendation on release or denial is provided.

RECORD	ACTION	EXEMPTION
Page 1-15	Release	
Page 16-22	Partial Denial	Bracketed portions exempt under (FOIA exemption #)
Page 23	Total Denial	Exempt under (FOIA exemption #)

2. POC is (name, duty phone)

(Signature Block of OPR)

Attachments:

1. Copies of records for partial/full denial (one clean-one redacted)
2. DD Form 2086 (if more than one OPR, consolidate the information on one form)
3. Other Administrative Processing Documents (extension letters, etc.)
4. Copy of Request

**(Added) (70 IW) Attachment 3
DENIAL/PARTIAL DENIAL SAMPLE LETTER FROM GROUP CC TO WING CC**

MEMORANDUM FOR 70 IW/CC

FROM: Group/CC

SUBJECT: Recommendation for (Denial) (Partial Denial) of FOIA Case #_____

Agree/disagree with OPR(s) recommendation for (denial) (partial denial) of FOIA Case #_____.

If disagree, provide recommendation.

Group CC Name, Rank, USAF
Commander

Attachments:

1. Group FOIA Manager Recommendation
2. Cross-Reference Document
3. OPRs Recommendations
4. Copies of records for partial/full denial (one clean-one redacted)
5. DD Form 2086 (if more than one OPR, consolidate the information on one form)
6. Other Administrative Processing Documents (extension letters, etc.)
7. Original Request and Envelope

(Added) (70 IW) Attachment 4
DENIAL/PARTIAL DENIAL SAMPLE LETTER FROM WING CC TO
HQ AIA/DOQI

MEMORANDUM FOR HQ AIA/DOQI (FOIA)
102 Hall Blvd Suite 229
San Antonio Texas 78243-7029

FROM: 70 IW/CC

SUBJECT: Recommendation for (Denial) (Partial Denial) of FOIA Case #_____

After reviewing all recommendations, I agree/disagree with recommendation for (Denial) (Partial Denial).

If disagree, provide recommendation.

70 IW/CC Name, Colonel, USAF
Commander

Attachments:

1. 70 IW/JA Legal Review
2. Wing FOIA Manager Recommendation
3. Cross-Reference Document
4. OPRs Recommendations
5. Copies of Records to be released (one clean-one redacted)
6. DD Form 2086 (if more than one OPR, consolidate the information on one form)
7. Other Administrative Processing Documents (extension letters, etc.)
8. Original Request and Envelope

**(Added) (70 IW) Attachment 5
RECORDS RELEASE SAMPLE LETTER FROM OPR TO GROUP CC**

MEMORANDUM FOR GROUP/CC

FROM: Organizational/Office Symbol

SUBJECT: Recommendation for Records Release for FOIA Case #_____

1. The attached Freedom of Information Act request from (name of individual and company, if applicable) for a copy of (list records) is referred for your action. Requested records are attached. The following records are recommended for release:

RECORD	ACTION	EXEMPTION
E-Mails	Release	
EPR	Release	

2. POC is (name, duty phone)

(Signature Block of OPR)

Attachments:

1. Copies of records for partial/full denial (one clean-one redacted)
2. DD Form 2086 (if more than one OPR, consolidate the information on one form)
3. Other Administrative Processing Documents (extension letters, etc.)
4. Copy of Request

(Added) (70 IW) Attachment 6
RECORDS RELEASE SAMPLE LETTER FROM GROUP CC TO WING CC

MEMORANDUM FOR 70 IW/CC

FROM: Group/CC

SUBJECT: Recommendation for Records Release for FOIA Case #_____

After reviewing all recommendations, I agree/disagree with recommendation for release.

If disagree, provide recommendation and exemption number.

Group CC Name, Rank, USAF
Commander

Attachments:

1. Group FOIA Manager Recommendation
2. Cross-Reference Document
3. OPR Recommendations
4. Copies of records for release
5. DD Form 2086 (if more than one OPR, consolidate the information on one form)
6. Other Administrative Processing Documents (extension letters, etc.)
7. Original Request and Envelope

**(Added) (70 IW) Attachment 7
RECORDS RELEASE SAMPLE LETTER FROM WING CC TO REQUESTOR**

MEMORANDUM FOR REQUESTOR

FROM: 70 IW/CC

SUBJECT: Records Release for FOIA Case #_____

1. After performing a thorough search for records responsive to your request, the 70th Intelligence Wing produced the enclosed set of records. I offer them to you in response to your request.
2. If you have any questions, please refer them to 70 IW/SCM (FOIA), 9800 Savage Road, Suite 6679, Ft Meade, MD 20755-5260.

70 IW/CC Name, Colonel, USAF
Commander

Attachments:

1. Copies of Records to be released
2. Other correspondence with the requestor
3. Original Request and Envelope

FRED W. GORTLER, III, Colonel, USAF
Commander